

# Rocky Flats Coalition of Local Governments

Boulder County      City and County of Broomfield      Jefferson County  
 City of Arvada      City of Boulder      City of Westminster      Town of Superior

## Rocky Flats Coalition of Local Governments Board Meeting Minutes

Monday, December 1, 2003

8:40 - 11:30 a.m.

Mt. Evans Room in the Terminal Building  
 Jefferson County Airport, Broomfield

**Board members in attendance:** Gary Brosz (Director, Broomfield), Lori Cox (Alternate, Broomfield), Mike Bartleson (Alternate, Broomfield), Lorraine Anderson (Director, Arvada), Clark Johnson (Alternate, Arvada), Karen Imbierowicz (Director, Superior), Paul Danish (Director, Boulder County), Jane Uitti (Alternate, Boulder County), Sam Dixon (Director, Westminster), Ron Hellbusch (Alternate, Westminster), Amy Mueller (Alternate, City of Boulder), Hank Stovall (*Ex-officio*), Lisa Morzel (*Ex-officio*).

**Coalition staff members and consultants in attendance:** David Abelson (Executive Director), Kimberly Chleboun (Program Manager), Melissa Anderson (Technical Program Manager), Barb Vander Wall (Seter & Vander Wall, P.C.).

**Members of the Public:** John Corsi (Kaiser-Hill), Kelly Trice (Kaiser-Hill), Randy Leitner (Kaiser-Hill), John Rampe (DOE), Joe Legare (DOE), Karen Lutz (DOE), Laurie Shannon (USFWS), Dean Rundle (USFWS), Rob Henneke (EPA), Mark Aguilar (EPA), Steve Gunderson (CDPHE), Marion Galant (CDPHE), Edgar Ethington (CDPHE), Denise Onyskiw (CDPHE), Patricia Rice (RFCAB), Shirley Garcia (Broomfield), Al Nelson (Westminster), Bob Nelson (Golden), Linde Marshall (Senator Allard), Kim Cadena (Rep. Beauprez), Robert Lynch (RFSOIU #1), Dan Chesshir (RFSOIU #1), Phil Cruz (RFSOIU #1), Sandy Dazzio (Wackenhut), Roman Kohler (Rocky Flats Homesteaders).

### Convene/Agenda Review

Chairman Lorraine Anderson convened the meeting at 8:40 a.m.

### Business Items

**1) Motion to Approve Consent Agenda - Ron Hellbusch** motioned to approve the consent agenda. Gary Brosz seconded the motion. The motion passed 6-0.

**2) Appointments of Ex-Officio Members - David Abelson** said he had discussed with each government the idea of appointing Hank Stovall and Lisa Morzel as *ex-officio* Board members. Both have expressed a desire to remain involved even though they are no longer elected officials. David said the IGA bylaws allow three ex-officio members. As former Board members, Hank and Lisa would

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represent themselves but have no voting authority. David said the feedback he has received from all the governments has been supportive, but on the condition that the term be for one year and then revisited, and that each government supports the appointment. David recommended the Board invite Hank and Lisa to serve an annual appointment, while not being limited to one year, and if objections arise in the course of the year then the Board should revisit the appointments. Barb Vander Wall advised the Board that they could either amend the bylaws, which would require two meetings with public notice, or make a motion derived from the current discussion which would then be captured in the minutes. Ron Hellbusch motioned to appoint Hank Stovall and Lisa Morzel as *ex-officio* Coalition Board members. Amy Mueller seconded the motion. The motion passed 6-0.

**3) Executive Director's Report - David Abelson reported the following items:**

- The billing statements for annual Coalition contributions have been mailed to local governments. Contributions are \$1900, due in January to the Coalition.
- David is in the process of interviewing potential candidates for the Technical Program Manager position and will most likely make a decision by the end of the week. The position will now be a part-time employee.
- David and Kimberly Chleboun went to Washington, D.C. last month for an intergovernmental meeting which included Energy Communities Alliance, National Governor's Association, National Association of Attorneys General, Environmental Council of States, and the State and Tribal Groups Working Group. It was a valuable meeting in bringing together decision makers with DOE to discuss issues of cleanup and long-term stewardship. While there David discussed long-term stewardship issues with Howard Roitman (CDPHE) and was pleased to learn that Howard understands the Coalition's positions on long-term stewardship and is committed to ensuring the State has a substantive role post-closure. David also said he believes DOE, the State, EPA, and Kaiser-Hill have good teams and they are committed to moving in the right direction. He noted that DOE attorneys are slowing down the process, and that much of the long-term issue boils down to the applicability of the State's covenant law.
- Work on the 903 Pad is nearly complete, with final remediation on hot spots near the center of the pad. David commended the Site for their planning and execution of this difficult operation.
- Remediation of the incinerator is complete. Most of the structure was removed, with the exception of two wing walls (external support structures), deep footers and two casins. It appears this area may be transferring to USFWS, although that determination is not yet final.
- Superior sent a letter to USFWS regarding refuge planning, which means all seven governments have now submitted letters outlining their positions on refuge issues. Coalition staff are meeting with local government staff, including open space personnel, to discuss issues raised and determine if there are any potential areas of agreement. The CCP/EIS should be release by February 2004.
- David thanked Melissa Anderson for her ability, aptitude in representing the Coalition, and commitment while working for the Coalition.

Lorraine Anderson then presented Hank Stovall with a gift commemorating his dedication and hard work on the Coalition Board.

**Public Comment**

John Corsi (Kaiser-Hill) advised the Board of a Site job fair in conjunction with the Denver Newspaper Agency in January. He encouraged local governments to participate. David Abelson added that Kimberly Chleboun had also contacted local government staff. Hank Stovall asked if the fair was open to currently employed employees, and John confirmed that it will be open to the entire Site.

### **FY04 Budget Hearing**

Lorraine Anderson opened the budget hearing by asking if the public had any comment on the Coalition FY04 budget. The public had no comment, and Lorraine closed the public comment portion of the hearing. She then opened the hearing to the Board. Barb Vander Wall stated that the Coalition is a political subdivision of the State, and as a local government is subject to the budget laws of states and require a budget hearing. The budget must be filed by the end of December. Lorraine noted that one change had been made to the budget on page two: the Weapons Complex Monitor subscription rate changed from \$325 to 485. The Board had no further comment. Karen Imbierowicz motioned to approve the FY04 budget and appropriate the funds. Sam Dixon seconded the motion. The motion passed 6-0.

### **FY04 Strategic Plan**

David Abelson stated there had been no changes to the FY04 Strategic Plan since the last Board meeting. Karen Imbierowicz motioned to approve the FY04 Strategic Plan. Sam Dixon seconded the motion. The motion passed 6-0.

### **Building 371 Briefing**

Kelly Trice (Kaiser-Hill) began the briefing by explaining that decontamination (D&D) and decommissioning planning for Building 371 attempts to do as much cleanup as appropriate while protecting workers. This balance includes the plans to not decontaminate the deep basements to free-release standards, and to use explosives to implode uncontaminated upper portions of the structure which will then fall down into basements.

Randy Leitner (Kaiser-Hill) then described status of the B371 D&D project and showed pictures of the work being done. Almost half of the building's 428 gloveboxes have been removed, 154 out of 350 tanks have been removed, and sludge has been removed from 21 out of 28 tanks in B374. The demolition contractor, the Washington Group, has been mobilized. Paul Danish asked what type of rads are coming out of the building, and Randy said the dose is negligible, but he did not have an exact number. Kelly said he did not know the exact contamination levels but would get back to the Board with that information.

Randy reviewed characterization status as follows:

- In accordance with the Industrial Area Sampling and Analysis Plan, 39 cores from the B371/374 slab were removed and the soil below analyzed. Additionally, 19 surface soil samples were also taken. None of the data points exceeded any action levels, and all samples were well below 1 picocurie per gram (pCi/g) for plutonium and americium.
- 30 random and 15 biased in-situ gamma spec analyses are being performed throughout the basement and sub-basement of B371/374. To date, 17 analyses are complete and the highest data point was approximately 2 orders of magnitude below the proposed standard.
- After initial decontamination efforts are completed in the Central Storage Vault (CSV) and three other high contamination areas below grade, additional in-situ gamma spec analyses will be performed.

Randy also described the CSV and stated it is 45-feet below grade and runs the length of the building. The Site plans to decontaminate to levels that will allow them to work in it, and then workers will fix the contamination that is left and go in and remove the components. Hank Stovall asked what standard Randy was referring to and the actual number of the highest data point. Randy said the standard is 7 nanocuries per gram (nCi/g), but he did not know the exact number of the data point but it was from the biased samples. The random samples were 3 orders of magnitude below the standard. Sam Dixon asked for the characterization report, and Randy said they are not finished gathering data but the information should be available during the public comment period. Paul asked if the 7 nCi/g was a measurement of soil or concrete. Randy said it is a measurement incorporating the concrete structure. Paul asked if they knew the density of the structure, and Randy did not. Paul said he is trying to get a handle on how much radioactive material will be left in place, including how many grams of structure will be left, also assuming hotspots. Randy said he believed the contamination is confined to small areas even though it is a large building, but he would get back to the Board with that information. David Abelson reminded the Board that the Site is working to bring these issues to the Board early, prior to release of the decision document, thus not all information is available yet.

Lisa Morzel said when the analysis is complete it would be helpful to have a map of the building showing the different levels of contamination concentrations. Lorraine Anderson said her concern is how long a fixative would last and if there would be a chance of groundwater contamination. Randy said he has no specifics on the fixative longevity, but the concept is for the fixative to allow demolition and work to proceed in areas that are not free-release, then the voids are filled with the imploded structure, flowable fill, soil, and other materials to protect surfaces. He stated that although the groundwater modeling is not complete yet, it has determined there will not be groundwater infiltration in the building as water will be routed around the structure. Even if there is potential for surface water to get into the void space, plutonium does not migrate through the soil.

Randy then described the Decommissioning Operations Plan (DOP) modification. The B371/374 slab will be evaluated and dispositioned in accordance with the framework for contaminated soil (RFCA modifications) including characterization methodology and the following action levels: the slab within 0 to 3-feet of final grade will be removed; the slab within 3 to 6-feet of final grade must meet existing unrestricted release criteria; and, the slab greater than 6-feet below final grade will not exceed 7 nCi/g. Randy stated removal contamination will not exceed existing unrestricted release criteria, and all remaining contamination will be fixed. Lisa commented on the pictures of the basement and said the basement configuration appears to consist of steep walls and narrow corridors. She asked how they would ensure that the size of the fragments from the structure above would be small enough to pack the canyon-laced basement. Randy replied the pictures are deceiving in that the area she is referring to is actually 25-feet wide, and generally the demolition technique would fracture concrete and turn it to rubble. Lisa asked if they would be able to use different materials and fragment them to a particular size. Kelly said they could control fragment size to a certain point but there would be void spaces.

Randy continued explaining the DOP modification and stated that areas exceeding proposed action levels will be decontaminated and/or removed. Verification sampling following decontamination activities will include additional cores, in-situ gamma specs and/or direct survey measurements. The demolition plan will detail how areas of fixed contamination will be protected during demolition activities, and how the project will adequately mitigate potential areas of void space. Melissa Anderson asked them to explain why they are choosing to use explosives. Kelly explained that these deep basements are 45 feet underground and conventional demolition techniques would be difficult with a structure of this size. Gary Brosz asked about the upper floors pancaking down, and asked if the floors participate in holding up the structure and if walls would still support the remaining structure. Kelly said they would pancake the densest areas with explosives but leave structures essential for support, such as armored walls, so there would not be a big open hole.

Hank asked if the demolition plans would be completed all at once or piece by piece. Kelly said this modification is part of the demolition plans, but there would also be specific monitoring plans for the demolition. Steve Gunderson (CDPHE) added that since this will be one of the last buildings to come down they will be able to apply lessons learned from B771, and B776/777. Hank asked if the Washington Group has experience in demolishing buildings of this size. Kelly said the contractor is very experienced; they were Weldon Spring's prime contractor and also worked on Rocky Flats' B770. Paul stated it will not be a complete cleanup in the end, and it is a billion dollar cleanup due to these types of difficult buildings. He raised concerns over the lack of discussion of how much hazardous material would be left in place. Sam agreed. Joe Legare (DOE) said they wanted to provide the Board with information early on so the Board could have an early involvement in the process. He said characterization is not yet complete and some answers are not yet apparent, but the Site would get answers to the Board's questions.

### **Drainage and Pond Configuration**

Joe Legare (DOE) briefed the Board on surface water management planning and began by reviewing the Site's water management goals and describing the primary drainages and ponds. North and South Walnut Creek receive runoff from the Industrial Area and each creek contains a series of detention ponds. The South Interceptor Ditch (SID) captures runoff from the south side of the Industrial Area, which is then routed to Pond C-2. Woman Creek flows to the south of the Industrial Area and south of the SID, and then flows through Pond C-1 and around C-2. Rock Creek flows through the North Buffer Zone, but is not relevant to these discussions. Joe described how terminal ponds capture flow from North and South Walnut Creek and the SID. The terminal ponds are the largest, most downstream pond in each drainage and are actively managed, requiring valves or pumping for release of water. The interior ponds are essentially passive. Joe also clarified that Pond C-1 is flow through and Pond C-2 is released once or twice annually. Additionally, numerous drains, pipes, ditches and culverts in the Industrial Area route storm water flows. Broomfield manages water from Walnut Creek at Great Western Reservoir and Westminster manages their water from Woman Creek at Woman Creek Reservoir.

Joe then described current surface water quality and flow. The RFCA standards for plutonium and americium are each 0.15 pCi/L. The average plutonium concentrations from 1997 to 2001 were 0.012 pCi/L on Walnut Creek at Indiana Street, and 0.005 pCi/L on Woman Creek at Indiana Street. The average flows in that time range were 0.7 cubic feet per second (cfs) on Walnut Creek at Indiana Street, and 0.4 cfs on Woman Creek at Indiana Street. Joe explained that these flows would decrease after closure due to: 1) removal of impervious surfaces and the resulting decreased runoff; 2) removal of the sewage treatment plant and its discharges to South Walnut Creek; and, 3) removal of the potable water system which leaks and contributes to the current Site water balance.

Joe next walked through the proposed post-closure surface water configuration as follows:

- Retain North Walnut Creek Terminal Pond (A-4) and Pond A-3
  - Account for 83% of current retention capacity
  - Continue current operational mode of hold and release (after sampling)
  - Monitor dam conditions, water quality, water level
- Convert Ponds A-1 and A-2 to flow-through structures, probably with small pools
  - May retain storm water bypass around A-1 and A-2
- Retain South Walnut Creek Terminal Pond (B-5)
  - Accounts for 87% of current storage
  - Continue current operational mode
- Convert Ponds B-1, B-2, B-3, and B-4 to flow-through structures, probably with small pools
  - May retain storm water bypass around upper B-series ponds
- Retain SID and Pond C-2 configuration
  - Continue current operational mode
- Retain Woman Creek flow-through at C-1
  - Notch C-1 dam, insert stoplogs to retain current pool and flow-through operations
- Examine potential benefits of extending SID eastward (this will be considered in the 903 Lip Area decision document)

Joe also reviewed the comprehensive evaluation of the Industrial Area post-closure configuration which is being done in the IA Reconfiguration Plan. The Site is considering ways to landscape in order to mimic natural Site topography and flow, including: localized regrading around individual buildings and revegetation of disturbed areas with native species; removal or plugging of pipes, drains, and culverts; and, establishing stable drainages in key locations. Surface water flows generally west to east and south to north.

In closing, Joe previewed next steps. The Site must select a specific engineering approach for the ponds and finalize the Industrial Area drainage approach, ensuring integration between each. They will also analyze environmental impacts via the NEPA process and drafting an Environmental Assessment which will provide for public comment. The actual physical work is scheduled for 2004-2005, with Pond C-1 safety upgrades (repair to leak in dam) prioritized for spring 2004.

The Board then had a lengthy discussion on remediation of contaminated pond sediments as surface soils, specifically the B-series ponds as they have the potential to dry out once the sewage treatment plant is removed. Joe stated he is forecasting the decision will be not to remediate, but the basis of this decision will be transparent. He said he would get information on the characterization data to Coalition staff. Sam Dixon and Ron Hellbusch also raised the issue of dredging the sediment out of Pond C-1 while repairing the dam so that it would have a larger holding capacity. John Rampe (DOE) said the Site is considering this option but a decision has not yet been made. Joe also clarified that the decision regarding remediating sediments would be addressed separately from surface water configuration planning.

Karen Imbierowicz asked if there is any chance for contamination in Rock Creek. Joe responded that there has been sampling, and there will be future sampling (as part of the final Comprehensive Risk Assessment), which have confirmed there are no issues of contamination in that area. Additionally, there have been no historical reports of releases. Gary Brosz asked about reviewing the planning alternatives in order to determine why their proposed alternative was chosen. Joe said the Environmental Assessment will capture this analysis, which will be a four or five month process. Mike Bartleson emphasized that elimination of all the ponds would not be an acceptable option and Joe agreed.

### **Funding for National Wildlife Refuges**

David Abelson explained that at the September Board meeting Paul Danish had raised the question of funding for refuges at current or former defense facilities. The issue raised is that these facilities require special and unique management and planning needs and thus funding from typical USFWS funding streams may be insufficient to address these unique sites. David stated one of the key elements of the refuge bill was that management of residual contamination was to remain the responsibility of DOE and that authority would not transfer over to USFWS. Another provision creates a planning and managing hierarchy, allowing cleanup and long-term stewardship to trump refuge management.

David also provided information regarding the USFWS refuge cleanup program, which includes investigation, monitoring, and prevention. The program is not exactly on-point for this conversation, as USFWS is not responsible for response actions at Rocky Flats nor for maintaining remedies. However, it is possible to envision a situation where USFWS would end up bearing additional costs as compared to their other refuges. David said there will likely be additional costs for developing the Comprehensive Conservation Plan (CCP), maintaining physical structures to keep people away from areas retained by DOE, and education campaigns regarding residual contamination. He noted an even larger issue is that of Congress and the land management agencies. Congress is concerned about USFWS acquiring additional properties when they cannot manage the lands they have, yet Congress does not seem willing to sufficiently provide funding when they are the ones increasing USFWS holdings. David said with USFWS becoming a dumping ground for former defense sites, Congress must increase its funding to ensure that obligations Congress puts on USFWS are being funded.

Dean Rundle (USFWS) then provided a handout explaining USFWS funding for contaminants issues (as David referred to earlier) and refuge operations and maintenance. There is no special money or account for former defense or CERCLA sites. Dean emphasized that the refuge legislation and the MOU, whenever it may finally be released, clearly place responsibility for contamination issues with DOE. He then explained the process for obtaining funding for the Rocky Flats National Wildlife Refuge. After the refuge is established and USFWS acquires at least 25% of the approved acquisition boundary, Rocky Flats will be eligible to compete for funds under the New and Expanding Refuges program for minimum staffing and mission critical O&M projects. The New and Expanding Refuges list is updated annually, usually in June, with a two-year lead time for funding. For example, refuges added to the list in June, 2003 are in the cue for FY05 funding, beginning September, 2004. If the refuge is established and land is transferred to USFWS in the spring of 2007, it may be possible to get some funding for FY09 in September 2008. In the meantime, USFWS would have to juggle their existing staff.

Dean stated that refuge costs at Rocky Flats would be higher than at a typical refuge, not because of cleanup, but due to the public interest in the site and the related inquiries and stakeholder expectation that USFWS provide a buffer and access control of land restrictions. David suggested that USFWS would also be first responders in the case of an urgent situation. Dean clarified that his staff would not be expected to provide 24-hour turnaround, but would certainly be the first line of notification to DOE Legacy Management. He also said language in the MOU will reserve the right for USFWS to handle immediate health and safety issues and then go after DOE for reimbursement within a short timeframe. Paul asked what would happen if they discovered barrels of hazardous materials, and stated that they could call DOE but USFWS would also still have a problem. Dean said that since USFWS would be managing the land they would have an inherent responsibility to handle emergency situations, such as a fire or riot, and deal with it the best they can at that time and then request reimbursement from DOE.

David discussed potential steps forward. He suggested the Board could address the issue while lobbying in Washington, D.C. in March, but he also suggested that he could work with the Energy Communities Alliance and approach it as a broad national conversation, and an issue for the entire defense complex.

The Board agreed this would be their preferred approach. Lisa Morzel asked Dean how many more defense sites USFWS anticipates receiving. Dean said there are numerous sites with buffer zones that can be preserved a significant resources and he sees no end in sight. He also said the Department of Defense is providing pressure to transfer lands to USFWS before they are remediated. Dean stated his biggest concern is the issue of continued funding for long-term stewardship, especially if things run smoothly for any period of time.

### **Round Robin**

**City of Boulder** - Amy Mueller stated that Boulder City Council will determine appointments until January, thus they will not have a Coalition Board Director until the February Board meeting.

**Arvada** - Lorraine Anderson reported on the DOE Environmental Management Advisory Board (EMAB) meeting she attended November 21<sup>st</sup>. EMAB received a report from Jessie Roberson on how hard DOE is working to improve safety complex wide, and on safety accomplishments. Lorraine also said they heard from Dave Geiser on the issue of Risk Based End States and how they are becoming problematic when the Site Manager is defining endstate and final land use without sufficient local government and regulator input.

David Abelson stated that since Lisa Morzel is no longer a Director on the Board she is also no longer on the Executive Committee as Secretary/Treasurer. David explained that Barb Vander Wall had suggested that since the Board will appoint new officers in February, the Board allow this position to remain vacant until then. The Board will also need to determine how appointments are determined since the rotation cycle through the governments has been completed. Barb Vander Wall also reminded the Board that they will need to send to her a letter from their respective governments by the end of January confirming their Coalition appointments.

### **Public Comment**

There was no further public comment.

### **Big Picture**

David Abelson reviewed the Big Picture. Topics scheduled for the January Board meeting include a presentation on the State of the Flats from Kaiser-Hill and DOE. There will also be a briefing on the 903 Lip Area.

At 11:21 a.m. Lorraine Anderson motioned to move into Executive Session for the purposes of discussing personnel issues and receiving legal advice on such issues, as authorized under Sections 24-6-402 (4) (f) and 24-6-402 (4) (b), C.R.S. Amy Mueller seconded the motion. The motion passed 6-0.

The Board reconvened from Executive Session at 11:28 a.m. Paul Danish motioned the Board authorize the discussed employee contract. Sam Dixon seconded the motion. The motion passed 6-0.

The meeting was adjourned by Lorraine Anderson at 11:28 a.m.

*Respectfully submitted by Kimberly Chleboun, Program Manager*

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